

Introduced by Senator Alarcon

February 20, 2003

An act to add Article 6 (commencing with 8780) to Chapter 4 of Part 6 of the Education Code, relating to environmental education.

LEGISLATIVE COUNSEL'S DIGEST

SB 571, as introduced, Alarcon. Environmental education fund.

Existing law contains various provisions regarding environmental education, including a grant program that funds programs in public schools, community colleges, and regional conservation education centers for the purpose of conservation education.

This bill would establish the Environmental Education Fund and would authorize the deposit of prescribed contributions or grants into the fund. The bill would require the Superintendent of Public Instruction, to annually allocate 60% of the funds for environmental education in the public schools, and would require the remaining 40% of the funds to be allocated to a nonprofit organization or organizations that serves to educate city attorneys, district attorneys, and their deputies and investigators on the fair and uniform enforcement of environmental laws and the advancement of environmental justice. The bill would require the nonprofit organization or organizations to annually report to the Legislature and would require the superintendent to report to the Legislature within 36 months after funds are first allocated.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Article 6 (commencing with Section 8780) is added to Chapter 4 of Part 6 of the Education Code, to read:

Article 6. Environmental Education Fund

8780. (a) The Environmental Education Fund is hereby established in the State Treasury for the purposes of this article. Contributions to the fund made pursuant to the settlement of a legal action brought in state or federal court involving an environmental violation, a grant from the federal government or a local governmental agency, or a contribution from a private organization or individual may be deposited into the fund and shall be administered by the department for the purposes of this article. Contributions made to the fund from the settlement of a legal action shall be approved by the court and shall be limited to amounts paid by a defendant for the purpose of restitution only if the victims that incurred the loss can not be individually identified.

(b) Each fiscal year, the department shall allocate funds from the Environmental Education Fund, upon appropriation by the Legislature, for environmental education in accordance with the following schedule:

(1) An amount equal to 60 percent of the total amount appropriated from the fund for that fiscal year shall be allocated by the Superintendent of Public Instruction for purposes of environmental education in the public schools.

(A) The department may use funds allocated under this paragraph for environmental education programs described in Article 4 (commencing with Section 8750).

(B) The department shall allocate funds pursuant to this paragraph to school districts representing all geographical regions of the state, including both rural and urban regions.

(C) The department may expend up to 10 percent of the funds allocated pursuant to this paragraph on administrative and overhead costs necessary to implement this paragraph.

(2) An amount equal to 40 percent of the total amount appropriated from the fund each fiscal year shall be allocated by the Superintendent of Public Instruction to a nonprofit organization or organizations that serves to educate city attorneys,

1 district attorneys, and their deputies and investigators on the fair
2 and uniform enforcement of environmental laws and the
3 advancement of environmental justice. The nonprofit organization
4 or organizations shall use the funds exclusively for the purposes
5 of environmental education and the advancement of
6 environmental justice.

7 (A) Funds shall be allocated pursuant to this paragraph only to
8 a nonprofit organization that meets both of the following
9 requirements:

10 (i) Prosecutors comprise a majority of the membership of the
11 organization.

12 (ii) The organization develops and implements courses of
13 instruction to train public prosecutors and provides educational
14 publications on the enforcement of state and local environmental
15 laws.

16 (I) Publications and courses of instruction provided pursuant to
17 this clause shall provide an understanding of the civil and criminal
18 requirements of environmental law, as well as, instruction on the
19 fair and uniform enforcement of environmental law consistent
20 with advancement of environmental justice.

21 (II) All courses of instruction shall be developed to fulfill
22 minimum continuing legal education (MCLE) requirements.

23 (C) For each fiscal year in which a nonprofit organization
24 receives funds pursuant to this paragraph, the nonprofit
25 organization shall prepare a report that itemizes the expenditure of
26 the funds. The report shall be submitted to the Legislature and the
27 department on or before September 1 of the fiscal year following
28 the fiscal year in which the funds are received. The department or
29 the Joint Legislative Audit Committee may audit the records of a
30 nonprofit organization relating to the expenditure of funds
31 pursuant to this paragraph.

32 (3) Any funds allocated under this section but not expended for
33 the purpose of paragraphs (1) or (2) during the fiscal year in which
34 the funds are allocated shall be carried over to the following fiscal
35 year for the same purpose.

36 (c) Within 36 months after funds are first allocated from the
37 Environmental Education Fund pursuant to subdivision (b), the
38 Superintendent of Public Instruction shall submit a report to the
39 Legislature itemizing the expenditure of funds pursuant to this

- 1 article and describing each program or institute funded and the
- 2 accomplishments of each program or institute.

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